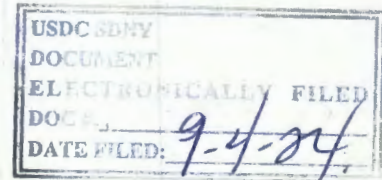


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August 29, 2024



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BY ECF

The Honorable Lewis A. Kaplan
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Alba v. City of New York, et al.*, 23-CV-08619-LAK-BCM

Dear Judge Kaplan:

I am the attorney for the plaintiff. I write, with the consent of defense counsels, to request that the Court grant plaintiff an extension to file objections to the Report and Recommendation, dated August 26, 2024, and for leave to file a brief containing the objections that exceeds the Court's page limit rule.

The City defendants are represented by Senior Counsels for the NYC Office of the Corporation Counsel, Brian Francolla and Hannah Faddis, and District Attorney Alvin Bragg and his office ("DANY") are represented by DANY lawyer Corey S. Shoock. Because I had to respond to two separate motions to dismiss, one from the City defendants and one from DA Bragg, Magistrate Judge Moses, for efficiency purposes, granted plaintiff leave to file a combined brief, in response to defendants' separate motions to dismiss, that did not exceed 50 pages, rather than two separate 25 page briefs. I understand that Your Honor's Individual Practices has a page limit of 20 pages in responding to a Report and Recommendation, but I request leave to file a brief containing plaintiff's objections that does not exceed 50 pages. In the event that the Court is inclined to allow only a 40 page brief, I request leave to incorporate by reference and refer the Court to plaintiff's briefs filed in response to defendants' motions and in support of plaintiff's cross-motion to amend and join parties.

I also request that the Court approve the following briefing schedule regarding plaintiff's objections and defendants' two separate responses:

Plaintiff's objections: September 30, 2024

Defendants' responses to the objections: October 31, 2024.

This extension is necessary for several reasons: (1) I have to prepare for, conduct financial asset discovery, and return to the N.D.N.Y., on a date to be determined by the court in

Granted

LEWIS A. KAPLAN USDJ

30 to 60 days, to complete the punitive damages phase of a jury trial I recently conducted, *see Zeltman v. Infinigy Solutions, LLC*, 1:20-cv-00571-MAD-CFH (N.D.N.Y.) (ECF doc. no. 131); (2) my client is presently out of the Country and, when he returns soon, I have to meet with him and his family, including for translation purposes, regarding the objections; (3) I am still catching up on matters I had to put on hold due to the trial and have other matters and submissions scheduled, including appeals in state court; and (4) I have to recover for a few days from a medical procedure I had early this morning.

Thank you for your consideration.

Respectfully,

Richard Cardinale

Richard Cardinale

Copy: All counsel